

FILED
2020 FEB 18 PM 2:33
CLERK
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

BUREAU OF CONSUMER FINANCIAL
PROTECTION,

Plaintiff,

v.

PROGREXION MARKETING ET AL,

Defendant.

**ORDER DENYING PROGREXION
MARKETING'S MOTION TO DISMISS**

Case No. 2:19-CV-00298-BSJ

District Judge Bruce S. Jenkins

This matter came before the Court for oral argument on Progrexion Marketing's Motion to Dismiss for Failure to State a Claim on December 13, 2019. Thomas Hefferon, Karra Porter, and Kyle Tayman appeared on behalf of Efolks, Progrexion Marketing, Progrexion Teleservices, PGX Holdings, Creditrepair.com, and John C. Heath Attorney at Law PLLC ("Progrexion"). Maureen McOwen, Kevin Friedl, and Jonathan Reischl appeared on behalf of the Bureau of Consumer Financial Protection ("BCFP"). The parties submitted additional supporting papers to the Court on December 20, 2019. On February 13, 2020, Progrexion filed a Notice of Supplemental Authority, which provides a different factual footing and appears to the Court to be interesting but not determinative. ECF No. 55.

Having considered the parties' briefs, the evidence presented, the arguments of counsel, and the relevant law, the Court DENIES the Motion. The question of whether the complaint states a claim is a close call. However, it appears to the Court there are factual questions that need to be resolved, particularly but not exclusively on the issues of Progrexion's knowledge and control. The Court finds it is best at this point to let the matter proceed.

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DATED this th18 day of February, 2020.



Bruce S. Jenkins
United States Senior District Judge